

REMARKS

Claims 34, 42-43, 48-53, 58 and 68-82 were previously pending. Applicants have amended claim 34 to recite a modified oligonucleotide consisting of about 13 to not more than 23 linked nucleosides. Support for this amendment can be found throughout the specification as filed, for example, at page 12, lines 4-11. Applicants have amended claim 77 to correct a typographical error wherein the subscripts in "4'-(CH₂)_n-O-2' bridge" were omitted. Applicants submit that no new matter is added and request entry of the amendments to the claims. Claims 34, 42-43, 48-53, 58 and 68-82 are pending, with claims 71-82 withdrawn.

35 U.S.C. § 103(a)

Claims 34, 42, 43, 48-53, 58 and 68-70 are rejected under 35 U.S.C. § 103(a) as unpatentable over US 5,994,076 as evidenced by Branch, (TIBS, 1998, 23:45-50), in view of US 6,906,186. The Office asserts that US 5,994,076 discloses SEQ ID NO:1090, a p38 α MAP kinase antisense gene-specific primer, which is 100% complementary to at least an 8 contiguous nucleobase portion of nucleotides 1194 to 1277 of SEQ ID NO:1 of the instant application. The Office asserts that SEQ ID NO:1090 meets the structural limitations of the claimed invention. The Office relies on the secondary references for disclosure of recited modifications, and states that it would be obvious to modify the primer of SEQ ID NO:1090 based on the teachings of US 6,906,186. Applicants respectfully traverse.

Without acquiescing to the Examiner's rejection, and solely in the interest of advancing prosecution, Applicants have amended claim 34 to recite a modified oligonucleotide consisting of about 13 to not more than 23 linked nucleosides. SEQ ID NO: 1090 of US 5,994,076 is 26 nucleotides in length, and therefore does not satisfy the limitations of amended claim 34, or the claims which depend therefrom. In view of the amendment of claim 34, Applicants request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the cited references.

Request for Rejoinder

Applicants request rejoinder of the withdrawn method claims 71-82 as they require all the limitations of allowable composition claim 34.

Application No.: 10/568,488
Filing Date: March 25, 2008

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Patents and Applications

Applicants wish to draw the Examiner's attention to the following patents/applications. Applicants encourage the Examiner to review and monitor the file history of these patents/applications, including all Office Actions, throughout the pendency of the instant application.

Patent / Serial Number	Title	Issued / Filed
6,140,124	ANTISENSE MODULATION OF P38 MITOGEN ACTIVATED PROTEIN KINASE EXPRESSION	10-31-2000
6,448,079	ANTISENSE MODULATION OF P38 MITOGEN ACTIVATED PROTEIN KINASE EXPRESSION	9-10-2002
09/958,087	ANTISENSE MODULATION OF P38 MITOGEN ACTIVATED PROTEIN KINASE EXPRESSION	2-12-2002
10/238,442	ANTISENSE MODULATION OF P38 MITOGEN ACTIVATED PROTEIN KINASE EXPRESSION	9-9-2002
10/641,455	ANTISENSE MODULATION OF P38 MITOGEN ACTIVATED PROTEIN KINASE EXPRESSION	8-15-2003

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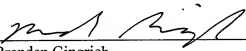
CONCLUSION

Applicants submit that the present application is in condition for allowance and respectfully requests an action to that effect. If any issues remain, the Examiner is invited to contact Applicants' counsel at the number provided below in order to resolve such issues promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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